

NIGERIA'S RESPONSE TO THE THIRD GROUP OF QUESTIONS ON CRIMINALIZATION

For question No 1- Nigeria believes that offences relating to online child sexual abuse should be provided in the new Convention. We believe that the best interest of the child should be at the center of all provisions relating to the criminalization of this type of offence. This is consistent with the provisions and principles of the Child Right Act in Nigeria, which has also been domesticated in many states in Nigeria. Nigeria believes that any definition must be broad to cover both the abuse notwithstanding the form and place of occurrence, even if the abuse happened physically and the material sold online or the act was streamed online. The element of exploitation should also be included. We view the definition in the Lanzarote Convention very useful for capturing the depiction of a minor engaged in a sexually explicit act. This definition may be improved to include other important elements.

2. On the choice of terminology, Nigeria recommends the use online child sexual abuse and exploitation material. This is to ensure that all aspects of this type of offence are covered. Furthermore, we agree with Thailand that any form of child sexual abuse must be criminalized even when the child gives her consent, and with India to imposed strict penalty on offences of child grooming.

3. On question No 2, Nigeria will respond in the affirmative and agree that criminalization in this case should not be subject to any State party's legal principle/domestic legislations. With the undertaking of most nations on the fundamental rights of a child, we do not think any country would tolerate the viewing of child sexual abuse material. The best interest of the child should be considered paramount in this case.

4. On question No 3, Nigeria could be flexible on having the age limit for the definition of a child to be under 18years. In the Child

Rights Act in Nigeria, a child is seen as someone under the age of 14, while a young person is someone between the age of 14 and 17. The Child Rights Act has been domesticated in many States using the age of 14 in line with their cultural practices. However, the age of maturity in Nigeria is generally put at 18 by the Nigerian Constitution.

5. With regard to question No 4, Nigeria would rather the new Convention criminalizes sexual extortion and non-consensual dissemination of intimate images without the inclusion of other offences related to pornography which often denotes consensual act. In many jurisdictions, pornography is not viewed as a crime. We agree with the points indicated as justification for their inclusion in the new Convention.

6. On question No 5, Nigeria agrees with the inclusion of encouragement of or coercion to suicide and involvement of minors in the commission of illegal acts. The inclusion in the new Convention will help to address an aspect of cyber bullying targeted at the child. The use of the ICT is becoming a great source of tremendous pressure on impressionable children and young people, who are the major victims of this type of offence. The ICT aids and abates these offences and it should be considered in the Convention.

7. Finally, on question 6, we do not find any justification in the inclusion of these offences in the new Convention as they are adequately dealt with by domestic legislations. In Nigeria, for instance, sending offensive messages through communication service could result in a civil action for libel, which may attract civil remedies, only.

8. Thank you.